

ments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act [Dec. 22, 2006]."

TRANSITION PROVISIONS

Pub. L. 111-275, title I, §104(b)(2), Oct. 13, 2010, 124 Stat. 2868, provided that: "In the case of a small business concern included in the database as of the date of the enactment of this Act [Oct. 13, 2010] for which, as of such date, the Secretary of Veterans Affairs has not verified the status of such concern in accordance with paragraph (4) of subsection (f) of section 8127 of title 38, United States Code, as amended by paragraph (1), not later than 60 days after the date of the enactment of this Act, the Secretary shall notify the person who owns and controls the concern that—

"(A) the Secretary is required to verify the status of the concern in accordance with such paragraph, as so amended;

"(B) verification of such status shall require that the person who owns and controls the concern apply for inclusion in the database in accordance with such subsection, as so amended;

"(C) application for inclusion in the database shall constitute permission under section 552a of title 5, United States Code (commonly referred to as the Privacy Act), for the Secretary to access such personal information maintained by the Secretary as may be necessary to verify the information contained in the application; and

"(D) the person who owns and controls the concern must submit to the Secretary all information required by the Secretary under this paragraph within 90 days of receiving the Secretary's notice of such requirement or the concern shall be removed from the database."

Pub. L. 109-461, title V, §502(b), Dec. 22, 2006, 120 Stat. 3435, provided that: "A small business concern that is listed in any small business database maintained by the Secretary of Veterans Affairs on the date of the enactment of this Act [Dec. 22, 2006] shall be presumed to be eligible for inclusion in the database under subsection (f) of section 8127 of title 38, United States Code, as added by subsection (a), during the period beginning on the effective date of that section [see Effective Date note above] and ending one year after such effective date. Such a small business concern may be removed from the database during that period if it is found not to be a small business concern owned and controlled by veterans (as defined in subsection (k) of such section)."

§ 8128. Small business concerns owned and controlled by veterans: contracting priority

(a) **CONTRACTING PRIORITY.**—In procuring goods and services pursuant to a contracting preference under this title or any other provision of law, the Secretary shall give priority to a small business concern owned and controlled by veterans, if such business concern also meets the requirements of that contracting preference.

(b) **DEFINITION.**—For purposes of this section, the term "small business concern owned and controlled by veterans" means a small business concern that is included in the small business database maintained by the Secretary under section 8127(f) of this title.

(Added Pub. L. 109-461, title V, §503(a)(1), Dec. 22, 2006, 120 Stat. 3435; amended Pub. L. 116-283, div. A, title VIII, §862(b)(3)(B), Jan. 1, 2021, 134 Stat. 3779.)

AMENDMENT OF SECTION

Pub. L. 116-283, div. A, title VIII, §862(b)(3), Jan. 1, 2021, 134 Stat. 3778, provided that, effective on the transfer date of subsection (f) of sec-

tion 8127 of this title, which is 2 years after Jan. 1, 2021, this section is amended by striking "maintained by the Secretary under section 8127(f) of this title" and inserting "maintained by the Administrator of the Small Business Administration under section 36 of the Small Business Act".

See 2021 Amendment note and Effective Date of 2021 Amendment note below.

Editorial Notes

AMENDMENTS

2021—Subsec. (b). Pub. L. 116-283 substituted "maintained by the Administrator of the Small Business Administration under section 36 of the Small Business Act" for "maintained by the Secretary under section 8127(f) of this title".

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Pub. L. 116-283, div. A, title VIII, §862(b)(3), Jan. 1, 2021, 134 Stat. 3778, provided that the amendment made by section 862(b)(3)(B) shall take effect on the transfer date, which is 2 years after Jan. 1, 2021, see section 862(a) of Pub. L. 116-283, set out as a note under section 657f of Title 15, Commerce and Trade.

EFFECTIVE DATE

Pub. L. 109-461, title V, §503(b), Dec. 22, 2006, 120 Stat. 3436, provided that: "This section [enacting this section] and the amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act [Dec. 22, 2006]."

§ 8129. Preference for offerors employing veterans

(a) **PREFERENCE.**—(1) In awarding a contract for the procurement of goods or services, the Secretary may give a preference to offerors that employ veterans on a full-time basis.

(2) The Secretary shall determine such preference based on the percentage of the full-time employees of the offeror who are veterans.

(b) **ENFORCEMENT PENALTIES FOR MISREPRESENTATION.**—(1) Any offeror that is determined by the Secretary to have willfully and intentionally misrepresented the veteran status of the employees of the offeror for purposes of subsection (a) may be debarred from contracting with the Department for a period of not less than five years.

(2) If the Secretary carries out a debarment under paragraph (1), the Secretary shall—

(A) commence debarment action against the offeror by not later than 30 days after determining that the offeror willfully and intentionally misrepresented the veteran status of the employees of the offeror as described in paragraph (1); and

(B) complete debarment actions against such offeror by not later than 90 days after such determination.

(3) The debarment of an offeror under paragraph (1) includes the debarment of all principals in the offeror for a period of not less than five years.

(Added Pub. L. 116-315, title VII, §7003(a), Jan. 5, 2021, 134 Stat. 5058.)